

LOUISIANA

DEPARTMENT OF INSURANCE



OFFICE OF PROPERTY AND CASUALTY

Policy Form Filing Handbook

July 2011 Edition

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The Policy Forms division reviews property and casualty contract forms submitted by insurers for compliance with applicable statutes, rules, and regulations. Additionally, the division provides information, advice, and assistance to consumers and industry representatives by responding to inquiries, making public presentations, and supplying informational pamphlets and brochures.

The following instructions apply to filings made by an insurer, a group of affiliated insurers, an underwriting organization, or a rating organization.

- Insurers must make sure they are properly licensed in Louisiana for the line of business stated in filings prior to submission.
- Insurers must carefully examine the provisions of Title 22, Regulation 78, Title 23, and all other Bulletins, Regulations, Directives, and Advisories developed by the Department to ensure compliance, prior to submission. These provisions can be found in the Product Filing Matrix through the Reference Search.
- A Department filing number will be assigned to each filing upon receipt in the Office of Property and Casualty, Policy Forms division. The Department filing number is the number used for tracking.
- Submissions for rates and rules must be made separately from forms.
- If rate, rule, and form filings are made at the same or similar times and are interdependent, this fact must be noted in the filing description or transmittal document for each related filing to facilitate cross-referencing. As different divisions within the Office of Property and Casualty handle the filings, this cross-reference will allow for a quicker review and approval process.
- Filings should be made separately for each program. A filing may reference more than one company only if all the forms contained apply to all companies listed.
- Form filings may be filed electronically through SERFF (System for Electronic Rates & Forms Filing) or by U.S. Mail.

- Form filings are to be addressed to:

Office of Property and Casualty
Attention: Policy Forms Division
Louisiana Department of Insurance
1702 North Third Street
Post Office Box 94214
Baton Rouge, LA 70804-9214

Note: If the filer is responding to a specific examiner of the Division, the response should be addressed to that person.

Please note the following:

- Retro-active effective dates are not allowed. The earliest effective date a company may receive is the date the filing is approved.
- When you are adopting, delay adopting, or non-adopting a rating organization filing, the company must be a member and/or subscriber with the particular rating organization and have the necessary authority for the coverage line stated in the filing. **The filing must specifically state the rating organization's designation or item number(s) that have been approved for use in Louisiana and will be utilized with your filing.**

REGULATION 78 – POLICY FORM FILINGS / PRODUCT FILING MATRIX

Adopted effective January 1, 2003, Regulation 78 provides for the uniform and practicable administration of policy forms. The provisions of this law will assist all insurers in complying with the form filing, review and approval requirements of the Louisiana Insurance Code, and allows for expedited review and approval processes.

In addition, the Department of Insurance has created a Product Filing Matrix (PFM) (www.ldi.state.la.us/ldipolicymatrix) to provide insurers the ability to search for the filing and legal requirements applicable to specific product types. The PFM will also generate the Statements of Compliance required by Regulation 78 to be submitted with most filings.

Regulation 78 is printed on the following pages. Sections §10107 and §10109 are not included as they are specific to the Health and Life Divisions. If you need to view the complete document, please refer to the Department's website at www.ldi.state.la.us.

Effective January 1, 2009, Louisiana Revised Statutes, Title 22 was recodified pursuant to ACT 415 of the 2008 Regular Legislative Session. The statute references for Title 22 have been changed in this document to match the new section numbers and are typed in blue.

Louisiana Register Vol. 28, No. 12 December 20, 2002
Louisiana Register Vol. 33, No. 01 January 20, 2007

RULE

Department of Insurance Office of the Commissioner

Regulation 78—Policy Form Filing Requirements (LAC 37:XIII.Chapter 101)

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., has amended Regulation 78 regarding policy form filing requirements.

The regulation was amended to 1) provide an exception to the requirements of a complete filing for a) the filing of an amendatory rider or endorsement associated or in connection with an insurance product including those that have been previously approved by the department not more than three years prior to the filing of such rider or endorsement and b) the filing of insurance products under the Multi-State Review Program; 2) establish procedures relative to notice for policies that have been deemed approved by the insurer or withdrawn from consideration by the insurer; and, 3) embody statutory fees for policy form filings outlined in the insurance code. Additionally, in accordance with the passage of Act 325 of the 2004 Regular Session of the Louisiana Legislature, the changes permit an insurer to issue a group, health, and accident insurance policy to a multiple employer trust fund established on behalf of participating employers, provided that statutory protections are the same for all participating employers and employees.

The changes affect the following: LAC 37:XIII §10101, §10105, §10107, §10109, §10113, §10115, §10117 and §10119. Section 10117 has been retitled and pertains to "Severability", which language was contained in §10105. Section 10119 was formerly §10117.

Title 37

INSURANCE

Part XIII. Regulations

Chapter 101. Regulation 78—Policy Form Filing Requirements

§10101. Purpose

A. The purpose of this regulation is:

1. to provide for the uniform and practicable administration of the form filing, review and approval requirements of the Louisiana Insurance Code;
2. to clarify the provisions of [R.S. 22:861.B](#);

3. to protect the interests of insurance consumers and the public through improvements to the form filing, review and approval processes; and
4. to assist all insurers doing business in the state of Louisiana in complying with the form filing, review and approval requirements of the Louisiana Insurance Code.

AUTHORITY NOTE: Promulgated in accordance with [R.S. 22:11](#), *Directive* 169, [R.S. 22:861](#), [R.S. 22:862](#) and [R.S. 22:974](#).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 28:2539 (December 2002), amended LR 33:0000 (January 2007).

§10105. Applicability and Scope

A. This regulation applies to all insurers doing business in the state of Louisiana subject to the form filing, review and approval provisions of the Louisiana Insurance Code.

AUTHORITY NOTE: Promulgated in accordance with [R.S. 22:11](#), *Directive* 169, [R.S. 22:861](#), [R.S. 22:862](#) and [R.S. 22:974](#).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 28:2539 (December 2002), amended LR 33:0000 (January 2007).

§10113. Filing and Review of Property and Casualty Insurance Policy Forms and Related Matters

A. Definitions. As used in this Section, the following terms shall have the meaning or definition as indicated herein.

Affirmative Approval—department approval, as a result of the department taking action, following compliance review of a complete filing, or a filing pursuant to Subsection D hereof.

Basic Insurance Policy Form—an insurance contractual agreement delineating the terms, provisions and conditions of a particular insurance product. It includes endorsements, and application forms where written application is required and is to be attached to the policy or be a part of the contract. It does not include policies, riders, or endorsements designed, at the request of the individual policyholder, contract holder, or certificate holder, to delineate insurance coverage upon a particular subject or which relate to the manner of distribution of benefits or to the reservation of rights and benefits under such policy.

Certification of Compliance—certification by an insurer, executed by an officer or authorized representative of the insurer on a form prescribed by the department, that upon knowledge and belief a filing is complete and in compliance with all applicable statutes, and rules and regulations promulgated by the department. A certification of compliance must be included with any filing for certified approval.

Certified Approval—approval on the basis of an expedited review by the department of a complete filing based upon the inclusion of a statement of compliance and a certification of compliance, executed by an officer or authorized representative of the filing insurer on forms prescribed by the department. The department shall by directive determine those specific types of coverage and particular types of contracts for which the certified approval procedure is either required or available at the option of the insurer.

Commissioner—the Commissioner of Insurance of the Louisiana Department of Insurance.

Complete Filing—the filing of a single insurance product, including any required filing fees; a basic insurance policy form, application form to be attached to the policy or be a part of the contract; all items required under Subsection C hereof, "General Filing Requirements," and any other requirements as may be set forth in the applicable statement of compliance.

Compliance Audit—a retrospective review conducted by the department of previously approved basic insurance policy forms to determine compliance with applicable law.

Compliance Review—department review of a filing made pursuant to this Section to determine either that the filing is in compliance with all applicable statutes, rules and regulations, or that the filing should be disapproved for noncompliance.

Deemed Approval—approval of a complete filing based upon notice, as provided herein, made to the department by the filing insurer, following expiration of the specific time periods as provided herein, where affirmative approval has not been granted and the filing has not been disapproved by the department.

Department—the Louisiana Department of Insurance.

Endorsement—a written agreement attached to an insurance product to add or subtract coverage, or otherwise modify the product.

Filing Organization—an entity authorized by the Louisiana Insurance Rating Commission to act as an advisory or rating organization on behalf of its members and subscribers.

Insurance Product—a basic insurance policy form delineating the terms, provisions and conditions of a specific type of contract, or a basic insurance policy form which combines more than one line of business within one policy form at a single premium.

Insurer—every person engaged in the business of making contracts of insurance, as further defined by [R.S. 22:46](#).

Method of Marketing—marketing either through independent or captive agents; telephone, electronic mail or direct mail solicitation; groups, organizations, associations or trusts; and/or the Internet.

Rate/Rule Approval—a department notice addressed to an insurer granting authorization to implement or revise rates and/or rules on a specified date.

Required Filing Fee-the fee assessed per product or filing pursuant to state insurance law.

Rider-an endorsement to an insurance product that modifies clauses and provisions of the product, including adding or excluding coverage.

Statement of Compliance-a form prescribed by the department detailing the requirements specific to a particular form of coverage and contract type.

B. Filing Required

1. Pursuant to [R.S. 22:861.A](#), no basic insurance policy form, other than surety bond forms, or application form where written application is required and is to be attached to the policy or be a part of the contract, or printed rider or endorsement form, shall be issued, delivered, or used in this state unless and until it has been filed with and approved by the commissioner. Every page of each such form including rider and endorsement forms filed with the department must be identified by a form number in the lower left corner of the page.

2. A Property and Casualty Transmittal Document must accompany every filing, describing the items included in the filing, the insurance product for which the filing is being made, and the method of marketing to be used for the product.

C. General Filing Requirements

1. The department shall designate, by directive, those insurance products which must be filed pursuant to the requirements for certified approval as set forth in Subsection F hereof, "Time Periods and Requirements for Certified Approval of Policy Form Filings," and those insurance products which may, at the discretion of the insurer, be filed pursuant to said requirements. All insurance products not so designated shall be filed pursuant to the requirements for Compliance Review as set forth in Subsection E hereof, "Time Periods and Requirements for Compliance Review of Policy Form Filings." Filing organizations are excepted from the mandatory provisions relative to Certified Approval and may, at their option, make filings pursuant to Subsection E hereof.

2. Only complete filings will be accepted, whether by mail or as otherwise authorized. In order for the department to conduct a proper compliance review or compliance audit of an insurance product, all items associated therewith must be included. A filing of a basic insurance policy form will be determined incomplete and will be disapproved if it does not contain all applicable items.

a. All filings of an insurance product must include, in final wording, the following items, in order:

- i. required filing fee, per product, per insurance company; or required filing fee per endorsement filing; per insurance company;
- ii. forms filed for approval;
- iii. completed property and casualty transmittal document as prescribed by the department;
- iv. Statement of Compliance for said product;
- v. duplicate set of the policy forms filing, as filed for approval;

vi. explanation of any rate/rule impact, with a copy of any rate/rule approval letters issued by the department; if none, so state;

vii. stamped, self-addressed envelope of sufficient size for use in returning the company's set of the policy forms filed, unless filed electronically.

3. An insurer may elect to adopt forms submitted by a filing organization, or have a filing organization file forms on its behalf. An insurer may request an effective date later than the effective date of the filing by the filing organization. Such adoptions, whether delayed or not, must be requested by letter. The Forms and Compliance Division staff of the department will verify that the insurer is a member or subscriber of the filing organization, and that the forms being adopted have been approved by the department.

a. Adoptions, including delayed adoptions, are filed for informational purposes only, but the request will be denied if the forms proposed for adoption are not approved by the department. To receive an acknowledgement of filing, the insurer's request must contain the following items, in order:

i. required filing fee, per adoption of each advisory organization's reference or item filing, per insurance company whether or not delayed;

ii. reference to the filing organization's identification/code number;

iii. line of business;

iv. name of the program, and

v. stamped, self-addressed envelope of sufficient size for use in returning the insurer's cover letter bearing the department's stamp of acknowledgement, or disapproval of an adoption.

b. An insurer may elect to non-adopt forms submitted by a filing organization. Non-adoptions are filed for informational purposes only, and must be submitted by the insurer. To receive an acknowledgement of the informational letter, it must contain the following items, in order:

i. reference to the filing organization's identification/code number;

ii. line of business;

iii. name of the program; and

iv. stamped, self-addressed envelope of sufficient size for use in returning the insurer's cover letter bearing the department's stamp of acknowledgement.

D. Exceptions. Exceptions to the requirements for a complete filing may be allowed at the discretion of the department, subject to the conditions stated herein, for the following policy forms:

1. informational filings, submitted for acknowledgement, for surety bond forms as exempted by [R.S. 22:861 A\(1\)](#). No filing fees will be required for these filings.

2. filings for certain commercial lines, exempted pursuant to the commercial deregulation laws set by Regulation 72.

3. application forms or enrollment forms to be used with a particular insurance product, or with multiple insurance products, provided that the policy

form filings and dates approved are identified for each previously approved product with which the application form will henceforth be used, and the application form is included with any subsequently filed basic insurance policy forms as needed to constitute a complete filing. No filing fees will be required for these filings;

4. forms for lines of insurance or insurance products specifically exempted pursuant to statute.

5. riders or endorsements. Filings of amendatory riders or endorsements are permitted where the insurance product to be altered was originally certified or granted affirmative approval.

a. Such filings must include either:

i. specimen copies of the pertinent previously approved or certified forms, the dates previously approved or certified, and the specific terms and provisions being amended, underlined in red or similarly emphasized; or

ii. a detailed list that includes:

(a).the department's form filing number;

(b).date of approval; and

(c).the form number for each previously approved policy form for which the amendment applies.

b. The rider or endorsement forms shall be included with any subsequently filed basic insurance policy forms as needed to constitute a complete filing.

c. Such filings must include statutory filing fees in accordance with the most current fee schedule applicable to such filings, as set forth by the Louisiana Legislature.

E. Time Periods and Requirements for Compliance Review of Policy Form Filings

1. The time periods stated in this Section do not begin until the date a complete filing, or a filing pursuant to Subsection D hereof, "Exceptions," is received by the department.

2. If a filing is incomplete, notice of disapproval in accordance with [R.S. 22:862\(6\)](#) will be issued for failure to comply with the requirements of this regulation.

3. A basic insurance policy form must be submitted to the department in accordance with the "General Filing Requirements" of this Section no less than 45 days in advance of planned issuance, delivery or use.

4. If affirmatively approved by order of the commissioner prior to expiration of the 45-day period allowed for department review of a filing, the policy forms filed may be used on or after the date approved.

5. If disapproved, the policy forms filed may not be used.

6. At the expiration of 45 days, if no order has been issued affirmatively approving or disapproving a filing, the insurer shall submit written notice to the department if the filing has been deemed approved on a specific date, or advise

when the filing is withdrawn from consideration. Such date specified by the insurer shall be on or after day 46, but not earlier than the 45-day expiration period. Such written notice shall be sent to the department within 30 days after the expiration of the 45-day period clearly stating the date deemed approved or withdrawn from consideration and the anticipated date to be used by the insurer (if different from the date deemed approved). Deemed approval shall not be effective until the insurer has so notified the commissioner, by certified mail/return receipt requested.

7. The commissioner may send written notice prior to expiration of the initial 45-day period extending the time allowed for approval or disapproval by an additional 15 days.

a. If affirmatively approved by the order of the commissioner prior to expiration of the 15-day extended period allowed for department review, the policy forms filed may be used on or after the date approved.

b. At the expiration of the 15-day extended period, if no order has been issued affirmatively approving or disapproving the policy form filing, the insurer shall submit written notice to the department if the policy form filing has been deemed approved on a specific date or, advise when the policy form filing is withdrawn from consideration. Such date specified by the insurer shall be on or after day 46 referred to in Paragraph E.6 or day 61, but not earlier than the 45 day expiration period. Such written notice shall be sent to the department within 30 days after the expiration of the 15-day extended period, clearly stating the date deemed approved or withdrawn from consideration and the anticipated date to be used by the insurer (if different from the date deemed approved). Deemed approval shall not be effective until the insurer has so notified the commissioner, by certified mail/return receipt requested.

F. Time Periods and Requirements for Certified Approval of Policy Form Filings

1. The department will make available Statements of Compliance setting forth the statutory and regulatory requirements specific to the various forms of coverage and contract types, as well as Certification of Compliance forms.

2. A policy form filing submitted for certified approval must include the following documents.

a. statement of compliance applicable to the form of coverage and contract type being submitted.

b. signed and dated certification of compliance;

c. all other items as set forth in Paragraph C.2 hereof.

3. If the filing is incomplete, notice of disapproval in accordance with [R.S. 22:862\(6\)](#) will be issued for failure to comply with the requirements of this regulation.

4. At the expiration of 15 days from acknowledged receipt of a filing by the department, if no order has been issued affirming certified approval or disapproving the policy form filing, the insurer shall submit written notice to the

department if the policy form filing has been deemed approved on a specific date, or advise when the policy form filing is withdrawn from consideration. Such date specified by the insurer shall be on or after day 16, but no earlier than the 15-day expiration period. Such written notice shall be sent to the department within 30 days after the expiration of the 15-day period clearly stating the date deemed approved or withdrawn from consideration and the anticipated date to be used by the insurer (if different from the date deemed approved). Deemed approval shall not be effective until the insurer has so notified the commissioner, by certified mail/return receipt requested.

5. No insurer, through an officer or authorized representative, shall file a certification of compliance containing false attestations, or from which material facts or information have been omitted. In the event that the department subsequently learns that a certification of compliance contains any inaccuracies, false attestations, or material omissions, approval of the subject forms may be withdrawn, and the insurer may be subjected to the provisions of Subsection I hereof.

G. Resubmission of Filings

1. When submitting revised forms in response to an order of disapproval, or withdrawal of approval, whether issued pursuant to Subsection E, Subsection F or Subsection I hereof, the revised forms will constitute a new filing, must comply with all provisions of this Section for such a filing, and, in addition to the required filing fee, must include:

- a. an outline of the proposed revisions, referencing the specific sections and page numbers for each form being revised;
- b. a restatement of the form with all necessary revisions, as set forth in the prior order of disapproval, underlined in red or similarly emphasized; and
- c. a copy of the prior order of disapproval, or withdrawal of approval, issued by the commissioner on the previous filing.

2. When submitting revisions to previously approved forms, the revised forms will constitute a new filing, must be a complete filing as set forth in Subsection C hereof, "General Filing Requirements" and, in addition to the required filing fee, must include:

- a. a copy of the previously approved form;
- b. an outline of the proposed revisions, referencing the specific sections and page numbers for each previously approved form being revised;
- c. a restatement of the form, with all proposed revisions underlined in red or similarly emphasized; and
- d. a copy of the prior order of approval, issued by the commissioner on the previous filing.

3. When a previously approved form has been rewritten, it must be assigned a unique form number, and such form must be filed as an original filing.

H. Compliance and Audits

1. Approval of a basic insurance policy form does not assure perpetual compliance. Following subsequent changes in applicable law, insurers shall revise and file updated insurance products, or amendatory riders or endorsements where appropriate, with the department for approval as required to maintain continuous compliance with the current requirements of law. This provision shall apply to all new business issued, or in-force business renewed, following any such subsequent changes in applicable law, or as otherwise expressed by the Louisiana Legislature.

2. A retrospective review process is utilized to verify compliance of approved filings and to assure that all approved filings remain in compliance with currently applicable law. Compliance audits may be conducted by random selection, prompted by complaints filed with the department or requests for information made by the department, or performed during the course of examinations conducted by the department.

H.3. Insurers shall notify the department in writing to advise when a previously approved basic insurance policy form will no longer be marketed in this state and is being permanently withdrawn from the market. Such notification shall be sent 30 days prior to the market end date and shall also advise whether or not such coverage issued in this state under the policy form remains in force and whether or not such existing business will continue to be renewed. The notification shall provide the policy form numbers being discontinued and dates originally approved by this department. The insurer may request acknowledgement of such notification.

I. Withdrawal of Approval and Corrective Action

1. The department shall withdraw any affirmative approval of a filing previously granted, or withdraw any approval of a filing previously deemed approved by an insurer, if the department determines that any of the reasons for disapproval as stated in [R.S. 22:862](#) apply to the filing in question. The notice of withdrawal of approval by the department shall state that such withdrawal of approval is effective 30 days after receipt of such notice by the affected insurer or immediately where there has been a violation of the Louisiana Insurance Code that results in irreparable injury, loss, or damage and injunctive relief is necessary. In the event injunctive relief is granted to the department, the insurer or its duly authorized representative shall be enjoined or restrained from engaging in any prohibitory activity set forth in the injunctive order or judgment rendered by a court of competent jurisdiction.

a. The affected insurer may request a hearing on the withdrawal of approval, by written request mailed to the department within 30 days of receipt of notice of withdrawal of approval.

b. Upon receipt by the department of a timely request for a hearing, the 30-day notice period precedent to withdrawal of approval being effective shall be suspended for the duration of the hearing process, and shall recommence upon the date of a ruling adverse to the insurer requesting the hearing, unless

injunctive relief has been requested and granted to the department by a court of competent jurisdiction. Such suspension of the notice of withdrawal of approval shall be applicable to Paragraphs I.2, 3, 4, and 5 hereof.

2. Upon receipt of the notice of withdrawal of approval by the department, the affected insurer must:

a. immediately amend its procedures to assure that all in-force business is properly administered in accordance with the findings stated in the department's withdrawal of approval;

b. immediately review and ascertain any negative impact upon covered persons caused directly or indirectly by non-compliant provisions of the forms for which department approval has been withdrawn; and

c. immediately review other products being marketed by the insurer to assure that they do not contain such non-compliant provisions.

3. Within 30 days of receipt of notice of withdrawal of approval by the department, a corrective action plan must be submitted to the department by the affected insurer. The corrective action plan must include the following.

a. If the affected product will no longer be marketed, amendatory endorsement forms or rider forms to affect any in-force business written utilizing the non-compliant forms, correcting all areas of non-compliance as stated in the withdrawal of approval by the department; and a prototype of the notice to be utilized in notifying any affected policyholders of the changes to their existing coverage.

b. If the insurer desires to continue marketing the affected product, both:

i. a complete filing of properly revised forms in accordance with Paragraph G.1 hereof; and

ii. amendatory endorsement forms or rider forms to affect any in-force business written utilizing the non-compliant forms, correcting all areas of non-compliance as stated in the withdrawal of approval by the department; and a prototype of the notice to be utilized in notifying any affected policyholders of the changes to their existing coverage.

c. Where such a required change can be clearly explained to prospective policyholders through amendatory endorsement forms or rider forms, an insurer may request department approval to utilize its existing inventory of the policy forms in question subject to the incorporation of approved amendatory endorsement forms or rider forms. Such approval shall not extend to any reprinting of such forms.

4. Thirty days following receipt of the notice by the affected insurer, of withdrawal of approval by the department, an affected product shall not be issued by the insurer, except in accordance with a corrective action plan approved by the department. The insurer has the obligation to timely notify its marketing force, or to otherwise adjust its business operations, accordingly. In the event the affected insurer issues the product without approval from the department, and injunctive relief is necessary and granted to the department, the

insurer or its duly authorized representative shall be enjoined or restrained from engaging in any prohibitory activity set forth in the injunctive order or judgment rendered by a court of competent jurisdiction.

5. The department may, in its discretion, extend the 30-day period for approval of a corrective action plan, upon the written request of the affected insurer and for good cause shown. In the event such an extension is granted, the date by which the insurer must cease issuing the affected product, except in accordance with a corrective action plan approved by the department, shall likewise be so extended.

6. Failure to timely respond as required herein shall result in a formal investigation to establish the extent of statutory violations, followed by an administrative hearing to determine appropriate sanctions against the insurer.

7. Where the department fails to respond to a corrective action plan filed by an insurer, or takes no action whatsoever regarding such plan, the insurer may deem the subject corrective action plan approved at the expiration of the 30-day period for approval by the department.

J. Appeals and Hearings

1. Any person aggrieved by a failure to approve any filing, or the disapproval of any filing, or the withdrawal of approval of any filing, or any related action taken by the department pursuant to this Section, may request an administrative hearing in accordance with the provisions of Part XXIX of Title 22 of the Louisiana Revised Statutes. Pursuant to [R.S. 22:2191](#), such demand must be in writing, must specify in what respects such person is aggrieved and the grounds to be relied upon as basis for relief to be demanded at the hearing, and must be made within 30 days of receipt of actual notice or, if actual notice is not received, within 30 days of the date such insurer or other person learned of the act, or failure to act, upon which the demand for hearing is based.

K. Maintenance of Records; Alteration of Forms Prohibited

1. Every person filing policy forms, or related forms, for approval by the department shall maintain the original set of any and all forms as returned by the department, along with all related correspondence and transmittal documents from the department. Alternatively, images of such documents may be maintained in electronic/digital form. Such files shall be available for inspection by the department upon request, and must be maintained for a period of five years after the forms have been withdrawn from the market in accordance with Paragraph H.3 hereof, and no coverage issued on risks in this state utilizing such forms remains in force.

2. The alteration of, or any change to, any such form approved by the department is prohibited. Any such altered or changed form shall be submitted to the department as a new filing, and shall comply with all provisions of this Section applicable to a new filing. This Subsection shall not apply to typographical corrections and format improvements that do not affect the terms, provisions or clarity of the product.

3. A change of company name or logo, a change of address, and changes in listed officers do not require a new filing of forms when the department is otherwise properly notified of such change, and a copy of such notification is maintained on file by the insurer.

AUTHORITY NOTE: Promulgated in accordance with [R.S. 22:11](#), *Directive 169*, [R.S. 22:861](#) and [R.S. 22:862](#).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 28:2548 (December 2002), amended LR 33:0000 (January 2007).

§10115. Penalties

A. Pursuant to [R.S. 22:44](#), "False or Fraudulent Material Information," in accordance with all provisions thereof, and specifically applicable to all documents required by this regulation.

1. It shall be unlawful for any person to intentionally and knowingly supply false or fraudulent material information pertaining to any document or statement required by the department.

2. Whoever violates the provisions of this Section shall be imprisoned, with or without hard labor, for not more than five years, or fined not more than \$5,000, or both.

B. Pursuant to [R.S. 22:1964\(12\)](#), in accordance with all provisions thereof, any violation of a prohibitory provision of this regulation shall constitute an unfair trade practice, and, after proper notice and hearing as specified by statute, may subject the insurer and its officer(s) or representative(s) to:

1. The provisions of [R.S. 22:1969](#), including:

a. payment of a monetary penalty of not more than \$1,000 for each and every act or violation, but not to exceed an aggregate penalty of \$100,000 unless the person knew or reasonably should have known he was in violation of applicable law, in which case the penalty shall be not more than \$25,000 for each and every act or violation, but not to exceed an aggregate penalty of \$250,000 in any six-month period; and

b. suspension or revocation of the license of the person if he knew or reasonably should have known he was in violation of the applicable law.

2. The provisions of [R.S. 22:1970](#), including:

a. a monetary penalty of not more than \$25,000 for each and every act or violation, not to exceed an aggregate of \$250,000; and

b. suspension or revocation of such person's license or certificate of authority.

AUTHORITY NOTE: Promulgated in accordance with [R.S. 22:11](#), *Directive 169*, [R.S. 22:861](#), [R.S. 22:862](#) and [R.S. 22:974](#).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 28:2552 (December 2002), amended LR 33:0000 (January 2007).

§10117. Severability

A. If any provision of this regulation, or its application to any person or circumstance, is held invalid, such determination shall not affect other provisions or applications of this regulation which can be given effect without the invalid provision or application, and to that end, the provisions of this regulation are severable.

AUTHORITY NOTE: Promulgated in accordance with [R.S. 22:11](#), *Directive* 169, [R.S. 22:861](#), [R.S. 22:862](#) and [R.S. 22:974](#).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 28:2552 (December 2002), amended LR 33:0000 (January 2007).

§10119. Effective Date (formerly Section 10117)

A. This regulation became effective January 1, 2003; however, the amendments to this regulation will become effective upon final publication in the *Louisiana Register*.

AUTHORITY NOTE: Promulgated in accordance with [R.S. 22:11](#), *Directive* 169, [R.S. 22:861](#), [R.S. 22:862](#) and [R.S. 22:974](#).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 28:2552 (December 2002), amended LR 33:0000 (January 2007).

James J. Donelon
Commissioner

0701#014

SUMMARY OF REGULATION 78

FILING REQUIRED

Pursuant to L.R.S. 22:861.A, all Basic Insurance Policy Forms, Riders and Endorsements must be approved by the Commissioner of Insurance, prior to being issued or delivered in this state.

- A *Property and Casualty Transmittal Document* must accompany every filing, describing the items included in the filing, the Insurance Product for which the filing is being made, and the Method of Marketing to be used for the product. (§10113.B.2) However, filings submitted through SERFF (System for Electronic Rates & Forms Filing) do not require a Property and Casualty Transmittal Document as it is incorporated into the build of the system.
- There are approximately 100 defined Property and Casualty *Insurance Product Codes* for the various types of Property and Casualty Products.

STATEMENT OF COMPLIANCE

A *Statement of Compliance* form must be generated from the Product Filing Matrix (PFM), and accompany every filing, other than those listed under Exceptions in §10113.D. The “PFM” links all defined *Insurance Product Codes* to each provision of state law applicable to the content and administration of an Insurance Product.

Insurers must review the requirements for regulatory compliance in conjunction with the policy forms to be filed and identify the section / page number of the forms where compliance is demonstrated. This information must be entered on

the *Statement of Compliance* for each Insurance Product included with a submission.

- The “PFM” includes all legal requirements applicable to both content and administration of an Insurance Product.
- Related laws, Rules, Regulations, Bulletins, Directives, and helpful comments are included, where appropriate.
- The “PFM” will be updated as laws change, allowing for immediate changes to affected Statements of Compliance.
- A new *Statement of Compliance* form should be printed or downloaded with each policy form filing.
- The *Statement of Compliance* form includes only those legal requirements applicable to the product filing.

COMPLIANCE REVIEW

- A Complete filing must be submitted to the Department in accordance with the requirements in §10113.C.2, no less than 45 days in advance of planned issuance, delivery or use.
- If a filing is incomplete, notice of disapproval in accordance with L.R.S. 22:862(6) will be issued for failure to comply with the requirements in §10113.C.

CERTIFICATION OF COMPLIANCE

Effective May 1, 2003, Directive Number 174 designates those Insurance Products which must be filed pursuant to the requirements for *Certified Approval* and

also those Insurance Products which may, at the discretion of the Insurer, be filed either pursuant to said requirements for *Certified Approval*, or as ordinary filings subject to the requirements for Compliance Review.

A policy form filing submitted for *Certified Approval* must include a *Statement of Compliance* applicable to the insurance product being submitted, a signed, dated and notarized *Certification of Compliance* and all other items required to constitute a Complete Filing.

No insurer, or officer, employee or representative of an Insurer, shall file a *Certification of Compliance* containing false attestations, or from which material facts or information have been omitted. In the event that the Department subsequently learns that the *Certification of Compliance* contained any inaccuracies, false attestations, or material omissions, the approval of the subject forms may be withdrawn and the Insurer may be subjected to corrective as set forth in §10113.I.

REQUIRED FILING FEES

- Directive Number 02-168 outlines the filing fees and instructions.
- The filing fee for filing property and casualty insurance policy forms with the Department of Insurance is \$100 per Insurance Product, per company.
- The filing fee for filing property and casualty insurance policy Endorsements, Amendments or Riders with the Department of Insurance is \$25 per endorsement filing (not per endorsement), per company.
- The filing fee for adopting forms filed by a filing organization is – \$20 per product adoption (per designation or item number), per company.
- Certain **EXCEPTIONS**, as outlined in §10113.D., to the requirements for a

Complete Filing do not require payment of a filing fee.

NOTE: The most common cause for an incomplete filing is payment of an incorrect filing fee. Please call (225) 342-1258 if assistance is needed in determining the proper amount.

NOTE:

- Declaration page, application or policy jacket only filings are considered endorsement filings. Therefore these fees are \$25 per filing, per company.
- Policies and/or Coverage Parts that are stand alone are \$100 each stand alone policy and/or coverage part, per company. Any endorsements, applications and declaration pages submitted in conjunction with the policy and/or coverage part are included in the \$100 per product fee.
- When submitting policies and/or coverage parts that are not stand alone (cannot be sold separately), please indicate this in the Filing Fee calculation/explanation area and/or in the Filing Description.
- Initial adoptions for an initial program(s) do not require adoption filing fees; however, this must be noted in the Filing Description.

COMPLETE FILING

Other than as specified in §10113.D, as an EXCEPTION, only Complete Filings will be accepted. In order for the Department to conduct a proper Compliance Review or Compliance Audit of an Insurance Product, all items associated therewith must be included. **A filing will be determined incomplete and will be disapproved if it does not contain all applicable items.**

All filings of an Insurance Product must include, in final printed form, the following items, in the listed order.

1. Required Filing Fee, per Insurance Product, per insurance company; or filing

- fee, per endorsement filing, per insurance company;
2. Completed *Property and Casualty Transmittal Document*, unless filed electronically through SERFF (System for Electronic Rates & Forms Filing);
 3. *Statement of Compliance* for said product;
 4. Policy forms filed for approval, in duplicate (duplicate is not required for filings submitted electronically through SERFF);
 5. Explanation of any rate/rule impact, with a copy of any rate/rule approval letters issued by the department; if none, so state; and
 6. Stamped, self-addressed envelope of sufficient size for use in returning the company's set of the policy forms filed, unless filed electronically through SERFF.

All filings of a **Delayed Adoption** should include the following items, in the listed order.

1. Required Filing Fee, per identification/code number (designation or item number), per insurance company
2. Completed Property and Casualty Transmittal Document, unless filed electronically through SERFF (System for Electronic Rates & Forms Filing);
3. Reference to the filing organization's identification/code number (designation or item number);
4. Line of business;
5. Name of the program(s); and
6. Stamped, self-addressed envelope of sufficient size for use in returning the company's set of the policy forms filed, unless filed electronically through SERFF.

All filings of an **Adoption** or a **Non-Adoption** must include the following items, in the listed order.

1. Completed Property and Casualty Transmittal Document , unless filed

- electronically SERFF (System for Electronic Rates & Forms Filing);
2. Reference to the filing organization's identification/code number (designation or item number);
 3. Line of business;
 4. Name of the programs; and
 5. Stamped, self-addressed envelope of sufficient size for use in returning the company's set of the policy forms filed, unless filed electronically through SERFF.

EXCEPTIONS

Exceptions to the requirements for a Complete Filing may be allowed, at the discretion of the Department, subject to the conditions stated herein, for the policy forms outlined in §10113.D.

RESUBMISSION OF REVISED FORMS

When submitting revised forms in response to an order of disapproval, or withdrawal of approval, **the revised forms will constitute a new filing**. Such resubmission must comply with all requirements §10113.G. Reference of the previous filing should be noted in the Filing Description.

COMPLIANCE AND AUDITS

➤ Approval of a Basic Insurance Policy Form does not assure perpetual compliance. Following subsequent changes in applicable law, insurers shall revise and file updated Insurance Products, or amendatory Riders or Endorsements where appropriate, with the Department for approval as required

to maintain continuous compliance with the current requirements of law, as outlined in §10113.H. This provision shall apply to all new business issued, or in-force business renewed, following any such subsequent changes in applicable law, or as otherwise determined by the Louisiana Legislature.

➤ A retrospective review process will be utilized to verify compliance of approved filings and to assure that all approved filings remain in compliance with currently applicable law. Compliance Audits may be conducted by random selection, prompted by complaints filed with the Department or requests for information made by the Department, or performed during the course of examinations conducted by the Department, as outlined in §10113.H.

PERMANENT WITHDRAWAL OF APPROVED FORMS

Insurers shall notify the Department in writing to advise when a previously approved Basic Insurance Policy Form will no longer be marketed in this state and is being permanently withdrawn from the market. Such notification shall be sent 30 days prior to the market end date and shall also advise whether or not such coverage issued in this state under the policy form remains in force and whether or not such existing business will continue to be renewed. The notification shall provide the policy form numbers being discontinued and dates originally approved by this Department. Please note that LDI Directive 201 requires a 60 day advanced written notice in certain circumstances.

APPEALS/HEARINGS

Any Insurer or other person aggrieved by a failure to approve any filing, or the disapproval of any filing, or the withdrawal of approval of any filing, or any related action taken by the Department pursuant to §10113, may request an

administrative hearing in accordance with the provisions of Part XXIX of Title 22 of the Louisiana Revised Statutes. Pursuant to L.R.S. 22:2191, such demand must be in writing, must specify in what respects the company is aggrieved and the grounds to be relied upon as basis for relief to be demanded at the hearing, and must be made within 30 days of receipt of actual notice or, if actual notice is not received, within 30 days of the date such Insurer or other person learned of the act, or failure to act, upon which the demand for hearing is based.

MAINTENANCE OF RECORDS; ALTERATION OF FORMS PROHIBITED

Every Insurer or other person filing policy forms, or related forms, for approval by the Department shall maintain in their files the original set of any and all forms as returned by the Department, along with all related correspondence and transmittal documents from the Department. Alternatively, images of such documents may be maintained in electronic/digital form.

Such files shall be available for inspection by the Department upon request, and must be maintained until the forms have been withdrawn from the market and no coverage issued on risks in this state utilizing such forms remains in force.

The alteration of, or any change to, any such form approved by the Department is prohibited. Any such altered or changed form shall be submitted to the Department as a new filing, and shall comply with all provisions in §10113 applicable to a new filing. This requirement does not apply to typographical corrections and format improvements that do not affect the terms, provisions or clarity of the Insurance Product.

A change of company name or logo, a change of address, and changes in listed

officers do not require a new filing of forms when the Department is otherwise properly notified of such change, and a copy of such notification is maintained on file by the Insurer. The Department requests that insurers submit an informational filing for tracking purposes.

CONTACT INFORMATION

The Office of Property and Casualty, Policy Forms Division may be contacted at:

Telephone: (225) 342-1258

Facsimile: (225) 219-7815

Email: pc@ldi.state.la.us

A list of products, including definitions, product codes, and requirements, can be found in “PFM” under the Instructions folder.

http://www.ldi.la.gov/ldipolicymatrix/instructions/PCProductCodes_AdditionalInformation.pdf

A list of certified products, including definitions and product codes, can be found in “PFM” under the Required Forms and Related Documents folder.

<http://www.ldi.la.gov/ldipolicymatrix/documents/R78Web6A-PCCertdProds.pdf>

A list of PFM products matched to SERFF products can be found on “PFM” under the What’s New folder.

http://www.ldi.state.la.us/LDIPolicyMatrix/whatsnew/PC_SERFF.html

SIGNIFICANT STATUTORY REFERENCES

Office of Property and Casualty

Title 22 - Insurance Code

R.S. 22:1 et seq. Title, Definitions, Classifications, and Other Regulatory Matters - General definitions of insurance, defines various lines of insurance.

R.S. 22:851 et seq. The Insurance Contract - The approval of forms, contents of policies.

R.S. 22:1261 et seq. General provisions for property and casualty insurance.

R.S. 22:1311 et seq. Standard Fire Policy – Standard provisions of fire insurance contracts.

R.S. 22:1451 et seq. Louisiana Insurance Rating and Rate Regulation – Rate regulations; Organizations.

R.S. 22:1501 et seq. Use of Credit Information

R.S. 22:1621 et seq. Managing General Agents Law – Definitions.

R.S. 22:1891 et seq. Property and Casualty insurance Claims Payments provisions.

R.S. 22:1961 et seq. Unfair Trade Practices – Unfair methods and unfair or deceptive acts and practices prohibited.

R.S. 22:1981 et seq. Examination and Investigations

R.S. 22:431 et seq. Unauthorized Insurance – Surplus Lines, endorsement of contract.

R.S. 22:481 et seq. Risk Retention Groups – Risk Purchasing Groups

R.S. 22:511 et seq. Louisiana Title Insurance Act – Definitions; requirements and restrictions.

R.S. 22:2051 et seq. Insurance Guaranty Association Fund

R.S. 22:2291 et seq. Louisiana Citizens Property Insurance Corporation

R.S. 22:2361 et seq. Insure Louisiana Incentive Program

R.S. 22:550.1 et seq. Captive Insurers

R.S. 22:361 et seq. Vehicle Mechanical Breakdown Insurers – Definitions; contracts not in compliance.

R.S. 22:381 et seq. Property Residual Value Insurers – Definitions; contracts not in compliance.

R.S. 22:1521 et seq. Collision Damage Waiver Law – Definitions; form filing requirements.

R.S. 22:1761 et seq. Motor Vehicle Rental Insurers - Definitions; form filing requirements.

R.S. 22:1806.1 et seq. Home Service Contract Providers

OFFICE OF PROPERTY AND CASUALTY INSURANCE RATING AND POLICY FORMS DIVISION

The following noted documents may be viewed in the Product Filing Matrix through the Reference Search at <http://www.lds.state.la.us/ldipolicymatrix/> . Documents may also be found through the Department's website at www.lds.state.la.us , and through the Legislative website at www.legis.state.la.us .

NOTED ACTIVE ADVISORY LETTERS

Advisory Letter No. 09-02 "Wrap-Up" Insurance

Advisory Letter No. 09-01 Waiver of Subrogation Charges

Advisory Letter No. 07-01 Repair of Motor Vehicles – Statement of Principles

Advisory Letter No. 04-02 Adjustment of Automobile Insurance Claims; payment for
Paint and Materials

Advisory Letter No. 02-01 Notice of Cancellation/Notice of Nonrenewal

Advisory Letter No. 01-03 Electronic Signatures

Advisory Letter No. 01-02 Use of Mold Exclusions in Insurance Policy Forms

Advisory Letter No. 01-01 Use of Pollution Exclusions in Commercial Lines Forms

Advisory Letter No. 97-01 Use of standard pollution exclusions

NOTED ACTIVE BULLETINS

Bulletin 09-06 Extension of Time Period for Insureds to Effectuate Repairs to
Damaged Property Caused by Hurricane Gustav or Hurricane Ike
and Receive Full Recovery for Replacement Cost

Bulletin 09-05 Title Insurance Policies Written on Property Located in Louisiana
Must Comply With the Provisions of the Louisiana Title Insurance
Act, LSA-R.S. 22:511 et seq

- Bulletin 09-04** Installment Plan Guidelines for Commercial Property and Casualty Insurers
- Bulletin 09-03** Schedule Rating Plans for Commercial Property and Casualty Insurers
- Bulletin 09-02** Certificates of Insurance Civil and Criminal Penalties
- Bulletin 09-01** The Certification Clause on the Louisiana Hurricane Loss Mitigation Survey Form in Regulation 94
- Bulletin 08-09** Filing Procedure for Workers' Compensation Group Self-Insurance Funds
- Bulletin 08-08** Revision of Compulsory Liability Minimum Limits for Vehicles in Excess of 20,000 lbs.
- Bulletin 08-07** Filing Procedures for Compliance with the Provisions of the Terrorism Risk Insurance Program Reauthorization Act of 2007
- Bulletin 08-06** Pleasure Boat Filing Guidelines
- Bulletin 08-05** Act 1476 – Omnibus Premium Reduction Act of 1997
- Bulletin 08-04** Rescission of Selected Louisiana Insurance Rating Commission (LIRC) Bulletins
- Bulletin 08-03** Use of Loss Experience to Deviate from the Fire Rate Classification Plans, Schedules, and Fire Rates Promulgated by the Property Insurance Association of Louisiana (PIAL)
- Bulletin 08-02** Uninsured/Underinsured Motorist Bodily Injury coverage Form
- Bulletin 08-01** Public Carrier Vehicle (Taxi) Liability Insurance Rates
- Bulletin 07-07** New Rating Example Worksheets (Exhibits D and E): New Rating Illustration Worksheets (Exhibits D1 and E1)
- Bulletin 07-06** New Loss Cost Multiplier Worksheets (Exhibits C and C-WC)
- Bulletin 06-04** Continuity of Operations (COOP) in Event of Emergency or Disaster

- Bulletin 05-01** Implementation of Military Discount to Active Military Personnel Based In Louisiana
- Bulletin 01-05** Economic Only Uninsured Motorist/Underinsured Motorist Coverage
- Bulletin 01-03** Act 205 – Workers’ Compensation Programs
- Bulletin 00-01** Insurance Over the Internet

NOTED ACTIVE REGULATIONS

- Regulation 97** Vehicle Tracking Systems
- Regulation 95** Public Fire Protection Grading Board of Review
- Regulation 94** Premium Adjustments for Compliance with Building Codes and Damage Mitigation
- Regulation 93** Named Storm and Hurricane Deductibles
- Regulation 82** Insure Louisiana Incentive Program
- Regulation 81** Military Personnel Automobile Liability Insurance Premium Discount and Insurer Premium Tax Credit Program
- Regulation 80** Commercial Lines Insurance Rate Deregulation
- Regulation 79** Limited Licensing for Motor Vehicle Rental Companies
- Regulation 78** Policy Forms Filing Requirements
- Regulation 76** Privacy of Consumer
- Regulation 72** Commercial Lines Insurance Policy Form Deregulation
- Regulation 64** Cancellation provisions for Vehicle Mechanical Breakdown Insurers
- Regulation 39** Statement of Actuarial Opinion
- Regulation 30** Certificate of Insurance Coverage
- Regulation 9** Deferred Payment of Fire Premiums in Connection with the Term Rule

NOTED ACTIVE DIRECTIVES

- Directive 201** Mandatory Requirement to Provide the Louisiana Department of Insurance With Sixty (60) Days Advance Written Notice Prior to any Withdrawal, Non-Renewal, or Conversion Action
- Directive 198** Louisiana Citizens Property Insurance Corporation Regular Assessment Recoupment and Remittance and Emergency Assessment Collection and Remittance
- Directive 194** Revised Supplemental Filing Exhibit Forms
- Directive 186** Proper Use of Cost of Airbag in Determining “Total Loss” of Vehicle
- Directive 183** Automobile Insurance Responsible for all Towing and Storage Service Charges
- Directive 175** Subrogation Provisions
- Directive 174 Revised** Regulation 78 – Certified Products and Procedure
- Directive 173** Binding Arbitration and/or Appraisal Provisions
- Directive 171** Stop Loss/Excess Policies of Insurance
- Directive 170** Property and Casualty Insurance Company Information Request
- Directive 152** Statutorily imposed vicarious parental liability
- Directive 151** Insurance Premium Financing
- Directive 144** Guidelines for charges pursuant to [LSA-R.S. 22:855](#)
- Directive 143** Aftermarket crash parts disclosure requirement
- Directive 137** Withdrawal of absolute/total pollution exclusion
- Directive 135** Use of discounts and credits by group self-insurance funds for workers’ compensation
- Directive 129** Participating policies
- Directive 127** Managing general agents

Directive 124	Acceptance of premiums from a Louisiana licensed premium finance company
Directive 112	Surplus Line Brokers Compliance with Title 22, part XXVII, L.S.A.
Directive 110A	Compliance with L.S.A. R.S. 22:438
Directive 95	Acts 438 and 773 of the 1989 Louisiana Legislature
Directive 94	Act 578 – House Bill 395 – 1989 Louisiana Regular Session
Directive 81	Payment to Agent or Broker
Directive 78	Risk Retention Act of 1986
Directive 75	Risk retention groups
Directive 72	Interpretation of language on standard fire policy
Directive 67	Stated Premium Must Include All Charges
Directive 58	Cancellation and Non-renewal of Commercial Property and Casualty Insurance Policies
Directive 45	Automobile Liability and Physical Damage Insurance
Directive 34	Salvage on Paid Losses
Directive 18	Automobile Total Loss Settlements
Directive 8	Indiscriminate Cancellation and Arbitrary Refusals to Renew Insurance Contracts
Directive 1	Title Insurance

NOTED ACTS OF 2005 LEGISLATIVE SESSIONS

ACT 38 & ACT 39 Requires certain insurers to itemize coverages

ACT 813 Increases penalties for insurers who fail to timely pay claims

NOTED ACTS OF 2006 LEGISLATIVE SESSIONS

- ACT 12** Prohibits exclusion of coverage for damage to immovables
- ACT 23** Disaster related claims
- ACT 42 & ACT 438** Disclosure notices for homeowners
- ACT 345** Like notice of non-renewal to interested parties
- ACT 381** Premium bills to identify property
- ACT 404** Notify agents on policy of insured payments
- ACT 429** Property insurers to maintain written catastrophe response plans

NOTED ACTS OF 2007 REGULAR LEGISLATIVE SESSION

- ACT 43** Two year prescriptive period
- ACT 156** Innocent co-insured and voiding policy
- ACT 222** Creates an office of consumer advocacy in the Department of Insurance
- ACT 323** Premium discounts for compliance with building codes
- ACT 459** Abolishes the Insurance Rating Commission

NOTED ACTS OF 2008 REGULAR LEGISLATIVE SESSION

- ACT 132** Provides for discounts on automobile insurance with vehicles that have certain features.
- ACT 402** Prohibits insurers from including fines and penalties in rate filings.
- ACT 403** Provides for the formation and regulation of domestic captive insurers.
- ACT 415** Reorganizes and recodifies the Louisiana Insurance Code (1/1/09).

- ACT 628** Creates the crime of forged insurance documents.
- ACT 849** Authorizes a 10% discount to military personnel on homeowners' insurance.
- ACT 851** Requires insurance companies to issue proof of coverage that accurately reflects the insured's effective dates of coverage and the actual dates for which a premium has been received from the insured relative to automobiles.
- ACT 854** Provides for changes in homeowner's insurance policy deductibles and the application of deductibles in the event of loss.
- ACT 921** Increases the minimum limits for compulsory motor vehicle liability insurance.

NOTED ACTS OF 2009 REGULAR LEGISLATIVE SESSION

- | | | | |
|----------------|---------------|-----------------|--|
| ACT 36 | HB 437 | MCVEA | Requires disclosure of separate hurricane, wind, or named-storm deductibles and otherwise provides with respect to disclosures. |
| ACT 101 | HB 704 | BALDONE | Provides for regulation of home service contract providers by the commissioner of insurance. |
| ACT 134 | HB 333 | KLECKLEY | Provides for limitations on named-storm, hurricane, and wind and hail homeowner insurance deductibles. |
| ACT 199 | HB 155 | HARDY | Amends the definition of negligent injuring and negligent homicide to include attacks by dogs or other animals. |
| ACT 239 | SB 218 | MORRELL | Authorizes Louisiana Citizens Property Insurance Corporation to write business interruption insurance. |
| ACT 280 | HB 208 | MONICA | Provides relative to the limitation of coverage or potential recovery of the named insured or spouse or other family member or permissive user for whom the policy provides coverage to less than the highest policy limit relative to auto insurance. |
| ACT 324 | HB 185 | CORTEZ | Prohibits insurers from refusing to bind or sell collision or |

			comprehensive automobile coverage when there is possible pending tropical storm or hurricane exposure.
ACT 326	HB 369	LIGI	Defines kinds of insurance for purposes of the Louisiana Insurance Code.
ACT 332	HB 572	ARNOLD	Provides for insurance-related activities of financial institutions.
ACT 333	HB 580	ROY	Requires a homeowner's insurer to give notice to a mortgagee or other interested party under certain circumstances.
ACT 335	HB 623	BALDONE	Provides relative to certificates of insurance.
ACT 435	HB 820	GUILLORY	To provide for improved tracking of dismantled or salvaged vehicles.
ACT 472	HB 201	THIBAUT	Provides that inclusion of or a change in deductible shall not be deemed cancellation of a property insurance policy in certain circumstances.
ACT 483	SB 130	HEBERT	Provides for rate making by Louisiana Citizens Property Insurance Corporation.
ACT 488	SB 214	MORRISH	Authorizes the commissioner of insurance to extend the time period within which to process certain claims arising from a declared emergency or disaster.

NOTED ACTS OF 2010 REGULAR LEGISLATIVE SESSION

ACT 53	HB 1088	PONTI	Provides relative to mediations in workers' compensation claims.
ACT 106	SB 667	HEBERT	Provides for the cancellation and renewal of commercial automobile insurance policies.
ACT 169	SB 246	MCPHERSON	Removes ten percent penalty on early cancellation of insurance policies.

ACT 210 SB 663	HEBERT	Provides for minimum collision coverage amounts of uninsured motorist insurance.
ACT 211 SB 674	HEBERT	Provide for the annual filing of actuarial opinions by property and casualty insurance companies.
ACT 212 SB 675	HEBERT	Provide for the retention of original records of domestic insurers.
ACT 330 SB 27	GAUTREAUX, N.	Exempts a registered owner of a motor vehicle who is a member of the armed services from the duty to maintain liability security while on active duty overseas.
ACT 345 HB 344	KLECKLEY	Requires insurers to include certain information relative to refund of certain assessments levied by the La. Citizens Property Insurance Corporation with policies sent to insureds.
ACT 397 HB 952	KLECKLEY	Provides relative to the policy take-out program for the La. Citizens Property Insurance Corporation.
ACT 636 SB 150	DUPLESSIS	Provides relative to automobile insurance rates after a voluntary lapse in coverage occurs.
ACT 725 HB 1008	HARRISON	Provides relative to compensating an owner of a vehicle for the depreciation in the value of that vehicle after it has been repaired.
ACT 828 HB 698	HARRISON	Prohibits arbitration or any other type of binding mediation by automobile insurers for certain purposes.
ACT 839 HB 1096	HENRY	Provides with respect to stored motor vehicles.
ACT 901 SB 757	WALSWORTH	Provides with respect to automobile insurance policies.
ACT 959 SB 268	LAFLEUR	Provides for the creation of the Louisiana Insurance Guaranty Association Law.
ACT 1005 SB 595	QUINN	Prohibits increase in premium, cancellation or failure to renew certain insurance policies due to presence of Chinese dry wall.

ACT 1007	SB 662	HEBERT	Provides with respect to claims adjusters.
ACT 1016	HB 282	ROY	Provides relative to reinstatement of insurance policies and contracts subsequent to cancellation.
ACT 1017	HB 447	PEARSON	Provides relative to certificates of insurance.
ACT 1023	HB 706	ABRAMSON	Provides relative to application to the Louisiana Citizens Property Insurance Corporation for coverage and issuance and renewal of a policy by such corporation.
ACT 1032	HB 1011	HARRISON	Provides relative to the adjustment and settlement of first-party motor vehicle total losses.

NOTED ACTS OF 2011 REGULAR LEGISLATIVE SESSION

ACT 8	HB 107	TALBOT	Defines certain activity toward a self-insured governmental entity with a self-insured loss fund or risk pool as a fraudulent insurance act. (6-7-11)
ACT 9	HB 137	CORTEZ	Authorizes producer compensation in the form of fees in certain circumstances as relates to property and casualty insurance. (8-15-11)
ACT 11	HB 148	AUBERT	Expands the type of risk-based capital reports that shall be included within the definition of company-action level events. (8-15-11)
ACT 21	HB 446	LITTLE	Limits applicability of insurance cancellation requirements. Exempts Credit Property & Casualty as defined. (8-15-11)
ACT 135	SB 84	MORRISH	Provides for the calculation of unearned premium in the event of cancellation by the insured. (8-15-11)
ACT 164	HB 85	KLECKLEY	Requires the identification of the title producer, examining attorney and title insurer on certain transactions. (1-1-12)

ACT 373	HB 275	BISHOP	Allows for the electronic transmission of insurance policies and supporting documents. (8-15-11)
ACT 361	HB 469	ANDERS	Provides relative to the tax on premiums paid for surplus lines insurance. (6-29-11)
ACT 370	HB 635	THIBAUT	Provides for notice to insureds relative to liability insurance cancellation fees assessed by the office of motor vehicles. (8-15-11)
ACT 382	SB 169	CLAITOR	Provides for payment of medical claims by the insurer of automobiles. (8-15-11)

LOUISIANA DEPARTMENT OF INSURANCE

Searching the Product Filing Matrix

Locating Property and Casualty Products

1. The Insurance Product Codes can be searched by a “List” view.

The List View allows you to minimize what you are looking for. This allows you to locate the appropriate Product by levels. As you click on a “+” the level

above it disappears. When you see a “=” you have reached the Product.

Click

on the Product name. In the space to the right of the reading from the top, you

will find the complete Product Name, LA Product Code, description of the Product, access to the Statement of Compliance, and All Legal References For

Product Compliance that apply to that distinctive Product.

2. The Insurance Product can be searched by a “Tree” view.

The Tree View allows you to locate the appropriate Product by climbing down

from the top of the tree. As you click on a “+” the branch will expand, and keep expanding until it has reached the product. When you see a “=” you have

reached the Product. . Click on the Product name. In the space to the right of

the reading from the top, you will find the complete Product Name, LA Product

Code, description of the Product, access to the Statement of Compliance, and

All Legal References For Product Compliance that apply to that distinctive Product.

3. The Insurance Product can be search by using the “Search Mode”.

The Search feature is located on the left side at the top. When you click on the

search mode a window will appear on the right. You will then be able to search

by the Name of the product or by the Product Code.

- To search by name for example, type in the “NAME” space a word like “property”. All products that contain the word “property” will appear on the left. You would then need to locate the appropriate product that you were looking for.

- To Search by product number for example, you could type in all or part of the product number and all products that contain that number will appear on the left. You would then need to locate the appropriate product that you were looking for.

Instructions on How to Complete the Statement of Compliance Electronically using Adobe 5.0

- **If you have Adobe Writer, you will be able to save and complete the Statement of Compliance from your own computer.**
- 1. When you have opened the Statement of Compliance, click on the Save Icon that is located at the top left of the page and save the Statement of Compliance to your computer.**
- 2. Once you are ready to fill the Statement of Compliance out, click on the arrow button that says “More Tools”, this arrow button is located by an icon that looks like a piece of paper.**
- 3. Click on the “More Tools” arrow and other selections will appear.**
- 4. Click on the selection that says “Free Text Tool”.**
- 5. Once you click on the Free Text Tool, the icon that looked like a piece of paper will disappear and the “T+” icon will now appear.**
- 6. Your cursor will have changed from the “hand” to something that looks like a square with a line in the middle.**
- 7. Now, you are ready to fill out the form.**
- 8. Move your cursor next to the line that you need to fill out.**
- 9. Once there, click and hold the left mouse button down and move it, a dotted square box will form. When you have made a box that will fit the information needed, release the mouse button, and a dotted box will appear. You will then be able to type in your information.**
- 10. To continue to complete the form, simply move the cursor to the next place and repeat the #9 instructions.**

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Instructions on How to Complete the Statement of Compliance Electronically using Adobe 6.0

- If you have Adobe Writer, you will be able to save and complete the Statement of Compliance from your own computer.
- 1. When you have opened the Statement of Compliance, click on the Save Icon that is located at the top left of the page and save the Statement of Compliance to your computer.
- 2. Once you are ready to fill the Statement of Compliance out, on the Tool bar, click on Tools, highlight Advanced Commenting and then click on Text Box Tool. The Text Box Tool will look like this T+.
- 3. Your cursor will have changed from the “hand” to something that looks like a square with a line in the middle.
- 4. Now, you are ready to fill out the form.
- 5. Move your cursor next to the line that you need to fill out.
- 6. Once there, click and hold the left mouse button down and move it, and a square box will form. When you have made a box that will fit the information needed, release the mouse button, and a box will appear. You will then be able to type in your information.
- 7. To continue to complete the form, simply move the cursor to the next place and repeat the #6 instructions.

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For “Instructions on How to Complete the Statement of Compliance Electronically using Adobe 8.0”, please visit the following link:

http://www.lidi.la.gov/ldipolicymatrix/instructions/InstructionsSoCAdobe8_0.pdf

Statement of Compliance (SOC) - Electronic Completion

Instructions for Companies to Attach in SERFF:

1. Download and save SOC to your documents
2. Type in fields
3. Once completed, print to pdf:
 - a. click print
 - b. select Adobe pdf
 - c. click print (this will prompt you to save file)
 - d. save a final SOC
4. The above print to pdf document should be the one attached in SERFF

This will allow companies to attach the electronically completed SOC and still pdf pipeline the filing without losing any data in the SOC.